

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

INSURANCE APPEAL NO.7 OF 2003

E.I.C.NO.28/1997 OF THE EMPLOYEES' INSURANCE COURT, KOZHIKODE.
.....

APPELLANTS/RESPONDENTS:-

1. THE REGIONAL DIRECTOR,
E.S.I. CORPORATION, THRISSUR.
2. THE RECOVERY OFFICER,
REGIONAL OFFICE, E.S.I. CORPORATION, THRISSUR.

BY ADV. SRI.T.V.AJAYAKUMAR

RESPONDENT/APPLICANT:-

M/S. AYISHA TEXTILES,
REPRESENTED BY ITS PROPRIETOR, E.P.AYISHUMMA,
P.O. PAPPINISSERI WEST, KANNUR DISTRICT.

BY ADV. SRI.A.K.ABDUL AZEEZ.

THIS INSURANCE APPEAL HAVING BEEN FINALLY HEARD
ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.Padmanabhan Nair,J.

Insurance Appeal No.7 of 2003

Dated, this the 21st day of March, 2007

JUDGMENT

The question arising for consideration in this appeal is as to whether the respondent, M/s.Ayisha Textiles, can be clubbed with M/s.Ummer Cotton Textiles and M/s.New Tex Mills so as to bring under the coverage of Employees' State Insurance Act. The Regional Director took up a view that the establishments are styled as three establishments only for the purpose of evading contribution. So, he took the stand that this is to be treated as a single establishment. Hence all the three establishments were clubbed together and issued a demand notice. The respondent filed E.I.C.No.28 of 1997 before the Employees' Insurance Court, Kozhikode challenging that order. Insurance Court elaborately considered the evidence in the case. After a detailed discussion, it was held that these three establishments are separate and distinct. It was found that there was no unity of ownership or management. That is a pure question of finding of fact, which cannot be interfered with in this appeal. So, the appeal is only to be dismissed.

In the result, the appeal is dismissed.

K.Padmanabhan Nair
Judge

vku/-